

## **PART 3 - RECORDKEEPING AND REPORTING INSTRUCTIONS FOR METHYL BROMIDE**

<b>3.1</b>	<b><i>INTRODUCTION</i></b> .....	<b>1</b>
<b>3.2</b>	<b><i>PRODUCERS OF METHYL BROMIDE</i></b> .....	<b>1</b>
3.2.1	Recordkeeping Requirements .....	1
3.2.2	Reporting Requirements .....	2
3.2.3	Form Instructions: Producer Quarterly Report (Form 1432.22-P-MB) .....	4
<b>3.3</b>	<b><i>IMPORTERS OF METHYL BROMIDE</i></b> .....	<b>6</b>
3.3.1	Recordkeeping Requirements .....	6
3.3.2	Reporting Requirements .....	7
3.3.3	Form Instructions: Importer Quarterly Report (Form 1432.22-I-MB) .....	9
<b>3.4</b>	<b><i>EXPORTERS OF METHYL BROMIDE</i></b> .....	<b>12</b>
3.4.1	Recordkeeping Requirements .....	12
3.4.2	Reporting Requirements .....	12
3.4.3	Form Instructions: Exporter Quarterly Report (Form 1432.22-E-MB) .....	13
<b>3.5</b>	<b><i>NOTIFICATION OF METHYL BROMIDE TRANSFERS</i></b> .....	<b>16</b>
3.5.1	Recordkeeping Requirements .....	16
3.5.2	Form Instructions: Notification of MBr Transfers (Form 1432.22-T-MB) .....	17
<b>3.6</b>	<b><i>REQUEST FOR ADDITIONAL METHYL BROMIDE CONSUMPTION ALLOWANCES</i></b> .....	<b>19</b>
3.6.1	Recordkeeping Requirements .....	19
3.6.2	Reporting Information Requirements .....	20
3.6.3	Form Instructions: Request for Additional MBr Consumption Allowances (Form 1432.22-RCA-MB) .....	21
<b>3.7</b>	<b><i>USED METHYL BROMIDE - PETITION TO IMPORT</i></b> .....	<b>23</b>
3.7.1	Petition Information Requirements .....	23
3.7.2	Recordkeeping Requirements .....	24
<b>3.8</b>	<b><i>CERTIFICATION OF METHYL BROMIDE ORDER/ PURCHASE</i></b> .....	<b>25</b>
3.8.1	Recordkeeping Requirements .....	25
3.8.2	Reporting Requirements .....	25
3.8.3	Form Instructions – Certification of Order/Purchase of Methyl Bromide (Form 1432.22-C-MB) .....	26
<b>3.9</b>	<b><i>DISTRIBUTORS OF METHYL BROMIDE</i></b> .....	<b>27</b>
3.9.1	Recordkeeping Requirements .....	27
3.9.2	Reporting Requirements .....	27
3.9.3	Form Instructions – Distributor of Methyl Bromide Quarterly Report (Form 1432.22-D-MB) .....	28

## **PART 3 - RECORDKEEPING AND REPORTING INSTRUCTIONS FOR METHYL BROMIDE**

### **3.1 INTRODUCTION**

Part 3 of this guidance document outlines industry recordkeeping and reporting requirements for methyl bromide (MBr) in the Stratospheric Ozone Protection Program.

Producers, importers, exporters, critical and emergency use holders and allowance transferors that deal in methyl bromide are required to report periodically on a company-wide basis to EPA and to maintain records. Reports should be sent to the Administrator within 45 days after the end of the applicable reporting period, unless otherwise specified. Records and copies of reports should be retained for three years. Quantities of methyl bromide should be reported in kilograms. Please refer to §82.13(a) of 40 CFR Part 82 for a description of these general recordkeeping and reporting requirements. A control period calendar is provided in Appendix D.

The following listed reporting forms are *recommended formats* for providing the required information to EPA. Companies may, however, provide the same information in another format if desired.

<b><u>Title</u></b>	<b><u>EPA Form Number</u></b>	<b><u>Number of Pages</u></b>	<b><u>CFR Number*</u></b>
<b><i>QUARTERLY REPORTS</i></b>			
Producer Quarterly Report	1432.22-P-MB	3	82.13(f)(3)- (4)
Importer Quarterly Report	1432.22-I-MB	4	82.13(g)(4), 82.13(o-q)
Exporter Quarterly Report	1432.22-E-MB	3	82.13(h)(2)
Distributor Quarterly Report	1432.22-D-MB	1	82.13(y)(4)
<b><i>MISCELLANEOUS REPORTS</i></b>			
Notification of MBr Transfers	1432.22-T-MB	3	82.12(a)(1)
Request for Additional MBr Consumption Allowances	1432.22-RCA-MB	2	82.10(a-c)
Petition to Import Used Substances	No form	--	82.13(g)(2)-(3)
Methyl Bromide Certification Report	1432.22-C-MB	1	82.13(y)(1)-(2), 82.13(z)(2)

*\* All citations are from the July 1, 2003 edition of 40 CFR 82.*

The remainder of Part 3 describes the recordkeeping and reporting requirements and provides instructions on how to complete each of the forms listed above.

## **3.2 PRODUCERS OF METHYL BROMIDE**

Producers of methyl bromide are required to report to EPA. The reports require data on a company-wide scale, even though recordkeeping, in most cases, may be done on a facility or plant basis. Section 82.13(f) describes the regulatory requirements for recordkeeping and quarterly reporting of production.

Terms such as “production,” “destruction,” “transform,” “quarantine applications,” “preshipment applications,” “emergency use,” and “critical use allowance” are defined in the regulations (§82.3) or in Appendix E to this guidance document.

### **3.2.1 Recordkeeping Requirements**

Section 82.13(f)(2) describes the recordkeeping requirements for producers in detail. These requirements are summarized below.

- Dated records of the quantity of methyl bromide produced at each facility;
- Dated records of the quantity of methyl bromide produced for use in processes resulting in their transformation or destruction, as well as those that are imported and sold for this use;
- Dated records of the quantity of methyl bromide produced for a critical use and emergency use;
- Dated records of the quantity of methyl bromide produced with Article 5 allowances;
- Copies of invoices or receipts documenting sales of methyl bromide resulting in their transformation or destruction;
- Dated records of the quantity of methyl bromide used at each facility as feedstocks or destroyed in the manufacturing of any substance, or any controlled substance introduced into the production process of the same methyl bromide;
- Dated records of the quantity of raw materials and feedstock chemicals used at each facility for the production of methyl bromide;
- Dated records of the shipments of methyl bromide produced at each plant;
- The quantity of methyl bromide, date received, and names and addresses of the source of used materials containing recycled or reclaimed methyl bromide at each plant;
- Records of the estimated quantity of any spill or release of methyl bromide that equals or exceeds 100 pounds and the date of the incident(s);
- Transformation and destruction verification certifying the intent to transform or destroy the methyl bromide or sell the methyl bromide for transformation or destruction in cases when allowances were not expended;
- Written verifications from a U.S. purchaser that methyl bromide was exported to an Article 5 country in cases when Article 5 allowances were expended during production;
- Dated records of the quantity of methyl bromide produced for quarantine and pre-shipment (QPS) applications and the quantity of methyl bromide sold for QPS applications;
- Written certifications that the methyl bromide produced solely for QPS applications was purchased from the producer by distributors and applicators solely for use in QPS applications; and
- Written verifications from a U.S. person purchasing methyl bromide from the producer that methyl bromide, if exported, will only be used for QPS applications.

### 3.2.2 Reporting Requirements

The following list summarizes specific reporting requirements for various types of producers (§82.13(f)(3)-(4)).

- *Production Using Article 5 Allowances*  
Producers allocated baseline production allowances in §82.5 may produce up to 15 percent of the baseline explicitly for export to Article 5 countries for their domestic use. Producers should report the quantity produced for export to Article 5 countries and deduct expended Article 5 allowances from that producer's balance of Article 5 allowances. As explained in 82.13(f)(3)(ix), producers that produce methyl bromide using Article 5 allowances should provide a list of U.S. entities that purchased the methyl bromide for export to Article 5 countries. In addition, producers should maintain dated records of the quantities of methyl bromide produced with Article 5 allowances. Appendix C lists Article 5 countries.
- *Production for In-House or Second-Party Transformation*  
Producers should report quarterly the quantities of methyl bromide produced for in-house and second-party transformation.

Section 82.13(l) requires a person who purchases methyl bromide for second-party transformation to provide the producer with a certification of intent to use the substance as a feedstock.

Copies of the certificates of intent to use the methyl bromide as a feedstock should accompany the quarterly report, whether sold for second-party transformation in the U.S. or for second-party transformation overseas. For each purchaser, *only one copy* of the certification should be provided during each control period as long as subsequent quantities shipped to that company are listed in each quarterly report.

- *Production for In-House or Second-Party Destruction*  
Producers should report quarterly the quantities of methyl bromide produced for in-house and second-party destruction.

Section 82.13(k) requires a person who purchases methyl bromide for second-party destruction to provide the producer from whom they purchased the material with verification that it will be used in a process resulting in its destruction.

Copies of destruction verifications for quantities sold for second-party destruction should accompany the Producer Quarterly Report.

- *Quarantine and Preshipment (QPS) Applications*  
Producers should report quarterly the quantities of methyl bromide sold or transferred during the quarter to a person other than the producer solely for QPS applications.

Producers should also submit a list of the quantities of methyl bromide that were produced without expending production or consumption allowances, but were produced by the producer and exported by the producer and/or by other U.S. companies, to a Party to the Protocol solely for use in QPS applications.

As explained in §82.13(f)(3)(xv), producers should submit one copy of a certification that the methyl bromide will be used only for QPS applications from each recipient of the material. The

certification should contain a list of any additional quantities shipped to that same person for the quarter.

- *Critical and Emergency Use Applications*

This portion of the form need not be completed until the rule for critical and emergency use applications of methyl bromide takes effect in 2005.

### 3.2.3 Form Instructions: Producer Quarterly Report (Form 1432.22-P-MB)

The Producer Quarterly Report has three sections:

- Section 1 – Producing Company Identification
- Section 2 – Company Production Data (company-wide)
- Section 3 – Allowance Expenditure Data

#### ***Section 1 - Producing Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Producing Company: Name of the company and the business address of the contact person for the report.
- 1.3 Company Contact Identification: Name, telephone number, and fax number of the company official to be contacted by EPA if there are questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Importer Information: Check the appropriate box to indicate the company's status as an importer.
- 1.6 Exporter Information: Check the appropriate box to indicate the company's status as an exporter.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report should complete and sign this section. This person may or may not be the company contact person identified in Section 1.3. The person signing the form should read the “certification” that the information on the form is accurate.

#### ***Section 2 - Company Production Data***

- 2.1 Company Name: Name as it appears in Section 1.2.
- 2.2 Company Production Totals:

*Gross Production (kg) (Column A):*

The total quantity, in kilograms, of methyl bromide produced.

*In-House Transformation (kg) (Column B):*

The total quantity, in kilograms, of methyl bromide produced for in-house transformation during the quarter.

*Second-Party Transformation (kg) (Column C):*

The total quantity, in kilograms, of methyl bromide produced for second-party transformation. (Submit the certificate of intent to use the substance as a feedstock with the first sale to a company and list subsequent quantities sold to that company.)

*In-House Destruction (kg) (Column D):*

The total quantity, in kilograms, of methyl bromide produced for in-house destruction.

*Second-Party Destruction (kg) (Column E):*

The total quantity, in kilograms, of methyl bromide produced for second-party destruction. (Submit copy of the destruction verification from each company.)

*Quarantine and Preshipment (QPS) (kg) (Column F):*

The total quantity, in kilograms, of methyl bromide produced solely for QPS applications.

*Critical Use Exemption (CUE) (kg) (Column G):*

The total quantity, in kilograms, of methyl bromide produced solely for CUE applications. This column of the form need not be completed until applicable regulations take effect.

*Emergency Use Exemption (kg) (Column H):*

The total quantity, in kilograms, of methyl bromide produced solely for an emergency use exemption. This column of the form need not be completed until applicable regulations take effect.

*Article 5 Production (kg) (Column I):*

The total quantity, in kilograms, of methyl bromide produced explicitly for export to Article 5 countries during this quarter that required expenditure of Article 5 allowances. Appendix C lists Article 5 countries.

*Net Production of Methyl Bromide (A-B-C-D-E-F-G-H-I=J) (kg) (Column J):*

The remaining quantities of methyl bromide after subtracting out quantities listed in columns B, C, D, E, F, G, H, I from the quantity listed in column A.

***Section 3 - Allowance Expenditure Data***

3.1 Company Name: Name as it appears in Section 1.2.

3.2 Allowance Balance Summary: Please supply this information for all methyl bromide for which the company holds production, consumption, or Article 5 allowances.

*Total Production Allowances for Year to Date (as of end of quarter) (Column A):*

The total sum of expended and unexpended production allowances.

*Total Consumption Allowances for Year to Date (as of end of quarter) (Column B):*

The total sum of expended and unexpended consumption allowances.

*Total Article 5 Allowances for Year to Date (as of end of quarter) (Column C):*

The total sum of expended and unexpended Article 5 allowances.

### 3.3 IMPORTERS OF METHYL BROMIDE

Importers of methyl bromide are required to report to EPA. Section 82.13(g) describes the regulatory requirements for recordkeeping and quarterly reporting of importation. They are also required to report blends and mixtures of methyl bromide. Terms such as “importer,” “critical use allowance,” “destruction,” “heel,” “emergency use,” “quarantine applications,” “preshipment applications,” “transshipment,” and “transform” are defined in the regulations or in Appendix E.

Importers of used methyl bromide are required to petition EPA and the information required in the petition is described in §82.13(g)(2).

#### 3.3.1 Recordkeeping Requirements

Section 82.13 (g)(1) describes in detail the recordkeeping requirements for importers of methyl bromide. The records that should be maintained by all importers are summarized below:

- The quantity of methyl bromide imported, either alone or in mixtures, and the percentage of each mixture containing methyl bromide;
- The quantity of methyl bromide imported, either alone or in mixtures, that are used (including recycled or reclaimed);
- The quantity of methyl bromide excluding transshipments or used substances for use in processes resulting in their transformation or destruction;
- The date on which and the country from which methyl bromide was imported;
- The port of entry of the methyl bromide;
- The commodity code for methyl bromide shipped;
- The importer number for the shipment;
- A copy of the bill of lading;
- Import invoices;
- The U.S. Customs Summary Entry form;
- Dated records of the sale or transfer of methyl bromide for use in processes resulting in its transformation or destruction;
- Copies of certifications confirming that the methyl bromide will be transformed or destruction verifications confirming its destruction;
- Dated records of the quantity of methyl bromide imported for QPS applications and the quantity sold for QPS applications;
- Written certifications that the quantities of methyl bromide, imported solely for QPS applications, were purchased by distributors or applicators to be used only for QPS applications; and
- Written verifications from a U.S. purchaser that methyl bromide imported solely for QPS applications, if exported, will be exported solely for QPS applications upon receipt of a certification.



### 3.3.2 Reporting Requirements

The following list summarizes specific reporting requirements for various types of imports (§82.13(g)(4) and (o-q)).

- *Imports for In-House or Second-Party Transformation*  
Importers should report quarterly the quantities of methyl bromide imported for in-house and second-party transformation. Section 82.13(l) requires that a person who purchases methyl bromide for second-party transformation should provide the importer with a certification of intent to use the substance as a feedstock.

Copies of the certificates of intent to use the methyl bromide as a feedstock should accompany the Importer Quarterly Report. For each purchaser, *only one copy* of the certification should be provided as long as subsequent quantities shipped to that company are listed in each quarterly report.

- *Imports for In-House or Second-Party Destruction*  
Importers should report quarterly the quantities of methyl bromide imported for in-house and second-party destruction. Section 82.13(k) requires the person who purchases methyl bromide for second-party destruction to provide the importer with verification that the methyl bromide will be used in processes that result in its destruction.

The importer quarterly report should be accompanied by copies of destruction verifications for quantities sold for second-party destruction.

- *Quarantine and Preshipment (QPS) Applications*  
Importers should report quarterly the quantity of methyl bromide sold or transferred to a person other than the importer solely for QPS applications.

Additionally, recipients of methyl bromide should report the quantity of methyl bromide exported by the importer and/or by other U.S. companies to a Party to the Protocol that will be used solely for QPS applications and therefore was not imported by expending consumption allowances.

The importer quarterly report should be accompanied by a copy of a certification that the methyl bromide will be used only for QPS applications as described in §82.13(g)(4)(xvii) as well as a list of additional quantities shipped to that same person for the quarter.

- *Critical and Emergency Use Applications*  
This portion of the form need not be completed until the rule for critical and emergency use applications of methyl bromide takes effect in 2005.
- *Imports of Used Methyl Bromide*  
Importers should report the quantity of imports of used methyl bromide.

- Imports of 'Heels'

A heel is any quantity of methyl bromide returning to the United States that is less than 10 percent of the volume of the container and was not unloaded or discharged from that container.

Imported heels should be reported quarterly. The importer should label their bill of lading or invoice indicating that the methyl bromide in the container is a heel. The importer of heels should submit certification that the material will either: (1) remain in the container and be included in a future shipment; (2) be recovered and transformed; (3) be recovered and destroyed; or (4) be recovered for a non-emissive use. The importer should also report on the final disposition of the heel.

### 3.3.3 Form Instructions: Importer Quarterly Report (Form 1432.22-I-MB)

The Importer Quarterly Report has four sections:

- Section 1 – Importing Company Identification
- Section 2 – Transaction Records
- Section 3 – Company Import Data (company-wide)
- Section 4 – Allowance Expenditure Data

#### ***Section 1 - Importing Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Importing Company: The name of the company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the “certification” that the information on the form is accurate.

#### ***Section 2 - Transaction Records***

- 2.1 Company Name: Company submitting the Importer Quarterly Report, as in Section 1.5.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

##### *Source Country:*

The country that exported the methyl bromide to the United States.

##### *Port of Exit from Source Country:*

Port city from which the methyl bromide was exported, as shown on the U.S. Customs Entry Summary Form 7501 or bill of lading.

*Importer Number:*

The company's IRS number is usually used for identification. *Please ensure the number is a complete U.S. Customs Service Importer Number.* This number appears on the Customs Entry Summary Form 7501 as two digits, followed by a dash, then seven digits (e.g., 12-1234567).

*Commodity Code of Shipment:*

The 10-digit code number as identified in the Harmonized Tariff Schedule. Commodity codes are designated by the U.S. Customs Service for class I substances. The commodity code for methyl bromide is 2903.30.1520.

*Quantity of Commodity Imported:*

The total quantity, in kilograms, of the commodity imported. If the commodity is a mixture, then the reported quantity of the commodity should be greater than the reported quantity of methyl bromide imported.

*Quantity of Methyl Bromide Imported:*

The total quantity, in kilograms, of methyl bromide imported.

*Port of Entry into the U.S.:*

The U.S. port where the shipment landed.

*Date of Import:*

The import date, as shown in Block 27 of the U.S. Customs Entry Summary Form. The date of import is the date that the ship arrives at the port, or the truck or train enters the U.S.

*Customs Entry Summary Number:*

This number identifies the specific shipment (from block number 1 of U.S. Customs Form 7501). The Customs Entry Summary Number is generally three (3) letters followed by nine (9) digits.

*Methyl Bromide will be imported for:*

Check the box describing the intended use (QPS, Transformation, Destruction, Critical Use, or Emergency Use).

*Transaction Type:*

Check the box describing the transaction type (Used or Heels).

***Section 3 - Company Import Data***

3.1 Company Name: Name of the company submitting the report, as in Section 1.5.

3.2 Company Import Totals:

*Gross Imports (kg) (Column A):*

The total quantity, in kilograms, of methyl bromide imported.

*In-House Transformation (kg) (Column B):*

The total quantity, in kilograms, of methyl bromide imported for in-house transformation during the quarter.

*Second-Party Transformation (kg) (Column C):*

The total quantity, in kilograms, of methyl bromide imported for second-party transformation. (Submit the certificate of intent to use the substance as a feedstock with the first sale to a company and list subsequent quantities sold to that company.)

*In-House Destruction (kg) (Column D):*

The total quantity, in kilograms, of methyl bromide imported for in-house destruction.

*Second-Party Destruction (kg) (Column E):*

The total quantity, in kilograms, of methyl bromide imported for second-party destruction. (Submit copy of the destruction verification from each company.)

*Emergency Use Exemption (kg) (Column F):*

The total quantity, in kilograms, of methyl bromide imported solely for emergency use. This column of the form need not be completed until applicable regulations take effect.

*Quarantine and Preshipment (QPS) (kg) (Column G):*

The total quantity, in kilograms, of methyl bromide imported solely for QPS applications. This column of the form need not be completed until applicable regulations take effect.

*Critical Use Exemption (CUE) (kg) (Column H):*

The total quantity, in kilograms, of methyl bromide imported solely for CUE applications.

*Net Imports of Methyl Bromide (A-B-C-D-E-F-G-H=I) (kg) (Column I):*

The remaining quantities of methyl bromide after subtracting out quantities listed in columns B, C, D, E, F, G, and H from the quantity listed in column A.

*Total "Used" Imports (kg) (Column J):*

The total quantity, in kilograms, of used methyl bromide imported.

*Total "Heels" (kg) (Column K):*

The total quantity, in kilograms, of methyl bromide brought into the U.S. as a heel that is less than 10 percent of the volume of each container. (The importer should label their bill of lading or invoice indicating that the class I substance in the container is a heel as required in §82.13(o), submit the certification that the heel will be treated as required in §82.13(p), and report on the final disposition of the heel in accordance with §82.13(q).)

***Section 4 – Allowance Expenditure Data***

4.1 Company Name: Name of the company submitting the report, as in Section 1.5

4.2 Yearly Balance Summary of Allowances: This information should be supplied for all substances for which the company holds consumption allowances.

*Total Consumption Allowances for Year to Date (as of end of quarter) (Column A):*

The total sum of expended and unexpended consumption allowances.

*Total CUE Allowances for Year to Date (as of end of quarter) (Column B):*

The total sum of expended and unexpended CUE allowances.

### **3.4 EXPORTERS OF METHYL BROMIDE**

Exporters of methyl bromide are required to report to EPA. Section 82.13 (h)(2) describes the regulatory requirements for recordkeeping and quarterly reporting for exporters. Exporters should send the report to EPA within 45 days after the end of the quarter. Terms such as “exporter,” “destruction,” “critical use allowance,” “emergency use,” “quarantine applications,” “preshipment applications,” and “transform” are defined in regulations (§82.3) or in Appendix E.

The exporter is the company that owns the methyl bromide when it is exported, not necessarily the person that places it on the ship or in the truck. Generally, the Agency will accept the exporter's business invoice as proof that the company had contracted to sell or transfer the methyl bromide to a foreign entity. On-board bills of lading are also necessary to verify that the export occurred. The U.S. Export Declaration Form may be substituted for the bill of lading.

#### **3.4.1 Recordkeeping Requirements**

There are no recordkeeping requirements for exporters. However, EPA recommends that companies exporting methyl bromide maintain copies of invoices and bills of lading for each shipment.

#### **3.4.2 Reporting Requirements**

In general, information provided about the recipient should pertain to the location of the plant where the methyl bromide is to be used, rather than the location of the corporate headquarters. For purposes of the Stratospheric Ozone Protection Program, the destination is defined as the ultimate destination of the export, rather than any transit destinations.

Reporting requirements for various types of exports include those quantities exported for transformation, destruction, QPS, critical and emergency use exemptions, and the quantities exported to Article 5 countries. Section 82.13(h)(2)(viii) requires a sales agreement or invoice certifying that the methyl bromide exported to a Party to the Protocol is intended for transformation, destruction, or that the recipient or eventual applicator will only use the material for QPS applications.

### 3.4.3 Form Instructions: Exporter Quarterly Report (Form 1432.22-E-MB)

The Exporter Quarterly Report has three sections:

- Section 1 – Exporting Company Identification
- Section 2 – Transaction Records
- Section 3 – Company Export Totals

#### ***Section 1 - Exporting Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: The number of individual methyl bromide shipments exported during the control period.
- 1.3 Number of Pages Submitted: Total number of pages in the report.
- 1.4 Quarter and Year to Which This Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Exporting Company Information: Name of the company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: Name, telephone number, and fax number of the company official who may be contacted by EPA to answer questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report should complete and sign this section. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

#### ***Section 2 - Transaction Records***

- 2.1 Company Name: Name of the company submitting the report, as in Section in 1.4.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the control period and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

*Recipient Company Name:*

The company receiving the methyl bromide.

*Street Address:*

The business address of the recipient company.

*City:*

The city of the recipient company.

*Country:*

The country to which the methyl bromide was exported.

*Postal Code:*

The postal code of the recipient company.

*Article 5 Country:*

Check the box if the recipient company is located in an Article 5 country. Appendix C lists Article 5 countries.

*Company Contact Person:*

The name of a contact person employed at the recipient company, his/her telephone number, and facsimile number.

*Percent of Methyl Bromide that is Used, Recycled or Reclaimed:*

Enter the percent of methyl bromide that is being exported that is used, recycled, or reclaimed.

*Commodity Code of Shipment:*

The 10-digit code number as identified in the Harmonized Tariff Schedule. Commodity codes are designated by the U.S. Customs Service for class I substances. The methyl bromide code is 2903.30.1520.

*Quantity of the Methyl Bromide Exported (kg):*

The total quantity, in kilograms, of the methyl bromide exported. For pure methyl bromide, this will equal the quantity of the commodity imported. For mixtures containing methyl bromide, multiply the percentage of methyl bromide in the mixture by the quantity of commodity imported.

*Source of Methyl Bromide:*

U.S. producer of the methyl bromide being exported.

*Date of Export:*

Date of the export as it appears on the bill of lading.

*Port of Export from the U.S.:*

U.S. port where the methyl bromide was loaded on the exporting vessel.

*Exporter EIN Number from Customs Form 7525:*

The "Employer Identification Number" (EIN) shown on the Shipper's Export Declaration Form. This number may or may not refer to the exporter as defined by EPA. If a shipping agent is acting on behalf of the exporter as defined by the regulation, the EIN of the agent shown on the U.S. Customs Form 7525 should be reported here.

*Methyl Bromide will be Exported for:*

Check the box (transformation, destruction, quarantine and preshipment, critical use, or emergency use) that applied to the specific transaction.



### ***Section 3 – Company Export Totals***

Reproduce the blank form as needed.

For each transaction summary, provide the following information:

3.1 Company Name: Name of the reporting company, as in Section 1.4.

3.2 Transaction Summaries for Methyl Bromide:

*Country Exported to:*

The country to which methyl bromide was exported.

*Transformation (kg):*

The total quantity, in kilograms, of methyl bromide exported for transformation.

*Destruction (kg):*

The total quantity, in kilograms, of methyl bromide exported for destruction.

*Article 5 (kg):*

the total quantity, in kilograms, of methyl bromide exported to each Article 5 country. Appendix C lists Article 5 countries.

*Quarantine and Preshipment (kg):*

The total quantity, in kilograms, of methyl bromide exported for use in QPS applications.

*Critical Use Exemption (CUE) (kg):*

The total quantity, in kilograms, of methyl bromide exported for critical use exemption purposes. This section need not be completed until the applicable regulations take effect.

*Emergency Use Exemption (kg):*

The total quantity, in kilograms, of methyl bromide exported for emergency use exemption purposes. This section need not be completed until the applicable regulations take effect.

### **3.5 NOTIFICATION OF METHYL BROMIDE TRANSFERS**

Holders of Article 5, production, and consumption allowances for methyl bromide may transfer allowances for a specific control period through transfers with another company. Section 82.12 describes the regulatory requirements for quarterly reporting for companies increasing or decreasing allowances for a specific control period through transfers with another company. The terms “Article 5 allowances,” “production allowances,” “consumption allowances,” “critical use allowance,” “emergency use,” “quarantine applications,” and “preshipment applications” are defined in the regulations or in Appendix E.

#### **3.5.1 Recordkeeping Requirements**

There are no recordkeeping requirements for companies notifying the Agency of Article 5, production, and/or consumption allowance transfers.

### 3.5.2 Form Instructions: Notification of MBr Transfers (Form 1432.22-T-MB)

The form for Notification of MBr Transfers has three sections:

- Section 1 – Transferor Identification
- Section 2 – Transaction Record
- Section 3 – Unexpended Balance Summary

#### ***Section 1 – Transferor Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Company Information: The name of the company transferring the allowances and the business address of the contact person for the report.
- 1.5 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.6 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

#### ***Section 2 - Transaction Record***

Companies notifying EPA of trades in Article 5, production, or consumption allowance transfers should complete this section for each transfer (transaction). Reproduce blank copies of Section 2 if needed. Enter "1" for first transaction of the quarter and proceed with "2", "3", and so on, for additional transactions.

For each transaction, complete the form as follows:

##### 2.1 Transferee Identification:

*Transferee Company Name:*

Name and address of the transferee company (the company receiving allowances as a result of the trade).

*Transferee Contact Person:*

Identify a contact person and provide an address and telephone and fax numbers.

*Check only one:*

Check the appropriate box for the type of allowances (production, consumption, or Article 5 allowances) being transferred.

- 2.2 Type of Allowances Transferred: Check only one box to identify the type of allowances being transferred. A transfer of current year allowances is only for the current control period. A transfer of baseline allowances *permanently* reduces the number of Article 5 allowances that the transferor will receive in future allocations.
- 2.3 Number of Methyl Bromide Allowances Being Transferred (kg): The total quantity, in kilograms, of methyl bromide that is being transferred.
- 2.4 Amount of Offset (kg): The amount of offset is calculated by multiplying the amount listed in Section 2.3 by 0.01.
- 2.5 Number of Allowances Subtracted from Transferor's Balance of Chemical Being Transferred (kg): Calculate the amount of allowances that are to be subtracted from the transferor's balance of the chemical listed in Section 2.3 by adding the amount listed in Section 2.3 to the amount listed in Section 2.4.
- 2.6. Number of Methyl Bromide Allowances Being Received (kg):  
The total quantity, in kilograms, of methyl bromide that is being received.

### ***Section 3 - Unexpended Balance Summary***

- 3.1 Balance of Unexpended Methyl Bromide Allowances Prior to Trades Reported: Report the company's balance of unexpended allowances of methyl bromide before the trade.

*Balance of Unexpended Production Allowances (Column A):*

The unexpended production allowances held by the transferor within the production limit of methyl bromide.

*Balance of Unexpended Consumption Allowances (Column B):*

The unexpended consumption allowances held by the transferor within the consumption limit of methyl bromide.

*Balance of Unexpended Article 5 Allowances (Column C):*

The unexpended Article 5 allowances held by the transferor within the production limit of methyl bromide.

### **3.6 REQUEST FOR ADDITIONAL METHYL BROMIDE CONSUMPTION ALLOWANCES**

In order to receive consumption allowances in addition to baseline allowances, an exporter may submit a request for consumption allowances to EPA.

Section 82.10(a) describes the information and documentation required for a company to obtain consumption allowances at any time during the control period. A company may obtain consumption allowances equivalent to the level of methyl bromide (other than used methyl bromide or transshipment) that the person has exported from the U.S. and its territories to a Party to the Protocol.

As explained in §82.10(b), a company may obtain consumption allowances equal to the amount of methyl bromide either produced in, or imported to the U.S. that was transformed or destroyed in the case where consumption allowances were expended to produce or import the methyl bromide. In addition, a company may increase its consumption allowances for a specific control period through receiving consumption from another Party to the Protocol. Definitions for terms such as “consumption allowances,” “exporter,” “destruction,” “critical use allowance,” “emergency use,” “quarantine applications,” “preshipment applications,” and “transform” can be found in the regulations (§82.3) or in Appendix E.

For trades from a Party, the company receiving consumption allowances should obtain a signed document from the principal diplomatic representative of the Party embassy in the United States stating that that nation will revise its production limits as described in §82.10(c).

#### **3.6.1 Recordkeeping Requirements**

Section 82.13(i) describes the recordkeeping requirements in detail for requesting additional consumption allowances for methyl bromide. The records that should be maintained by requestors are summarized below:

- Dated records of the quantities of methyl bromide transformed or destroyed;
- Evidence that documents the sale or transfer of the methyl bromide to the requestor;
- When methyl bromide is transformed, dated records of the name, commercial use, and quantities of the resulting chemical from the transformation process; or dated records of shipments to purchasers of the resulting chemical;
- Dated records of all shipments of methyl bromide received by the requestor, and the identity of the producer or importer of methyl bromide;
- Dated records of inventories of methyl bromide at each plant on the first day of each quarter; and
- In the case where methyl bromide is purchased or transferred to be transformed or destroyed, a copy of a certification of intent to transform the methyl bromide from the purchaser or recipient (the “transformer”), or a destruction verification of intent to destroy from the purchaser or recipient (the “destroyer”).

### 3.6.2 Reporting Information Requirements

The exporter should submit a request for consumption allowances to EPA. Section 82.10(a)(1) lists the reporting requirements for companies requesting additional consumption allowances for methyl bromide. Specific reporting requirements, not found in the reporting forms for exporters requesting additional consumption allowances, are summarized below.

- *Additional Documentation*

Section 82.10(a)(1)(viii) states that the company requesting additional consumption allowances should submit a copy of the bill of lading and the invoice indicating the net quantity (kg) of methyl bromide shipped and documenting the sale of methyl bromide to the purchaser. According to §82.10(a)(1)(x), the company should also submit a written statement from the producer that the methyl bromide was produced with expended consumption allowances.

### **3.6.3 Form Instructions: Request for Additional MBr Consumption Allowances (Form 1432.22-RCA-MB)**

The form for Request for Additional MBr Consumption Allowances has two sections:

Section 1 – Exporting Company Identification

Section 2 – Transaction Records

#### ***Section 1 – Exporting Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Total Consumption Allowances Requested (kg): Total quantity, in kilograms, of methyl bromide consumption allowances being requested.
- 1.5 Exporting Company Information: The name of the company exporting the consumption allowances and the business address of the contact person for the report.
- 1.6 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the "certification" that the information on the form is accurate.

#### ***Section 2 - Transaction Records***

- 2.1 Company Name: Name of the company submitting the report, as in Section 1.5.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

*Recipient Company Name:*

The company receiving the methyl bromide.

*Street Address:*

The business address of the recipient company.

*City:*

The city of the recipient company.

*Country:*

The country to which methyl bromide was exported.

*Postal Code:*

The postal code of the recipient company.

*Article 5 Country:*

Check the box if the recipient company is located in an Article 5 country. Appendix C lists Article 5 countries.

*Company Contact Person:*

The name of a contact person employed at the recipient company, his/her telephone number, and facsimile number.

*Commodity Code of Shipment:*

The 10-digit code number as identified in the Harmonized Tariff Schedule. Commodity codes are designated by the U.S. Customs Service for class I substances. The commodity code for methyl bromide is 2903.30.1520.

*Quantity of Methyl Bromide Exported (kg):*

The total quantity, in kilograms, of the methyl bromide exported.

*Date of Export:*

Date of the export as it appears on the bill of lading.

*Port of Export from the U.S.:*

Port in the U.S. where the methyl bromide was loaded on the exporting vessel.

*Exporter EIN Number from Customs Form 7525:*

The "Employer Identification Number" (EIN) shown on the Shipper's Export Declaration Form. This number may or may not refer to the exporter as defined by EPA. If a shipping agent is acting on behalf of the exporter as defined by the regulation, the EIN of the agent shown on the U.S. Customs Form 7525 should be reported here.

*Source of Methyl Bromide:*

U.S. producer who expended consumption allowances in the production of methyl bromide.

*Date Purchased:*

Date that methyl bromide was purchased from the U.S. producer who expended consumption allowances to produce the methyl bromide.



### 3.7 USED METHYL BROMIDE - PETITION TO IMPORT

A rule published December 31, 2002 (67 FR 79872), clarified and updated the petition process for imports of *used* class I substances, including methyl bromide, as previously established in 40 CFR 82. The term “used controlled substances” is defined in the regulations (§82.3) and reproduced in Appendix E.

An importer needs to petition EPA to import each individual shipment over 5 pounds of used methyl bromide, at least 40 working-days before the shipment is to leave the country of export. The 40 working-day period begins on the day following the date that the Stratospheric Ozone Protection Program receives the petition. Petitions may be faxed, sent by certified mail, express service, or regular mail to the Refrigerant Recycling Program Manager at the Stratospheric Program Implementation Branch as listed in Part 1 of the guidance document.

If EPA issues an objection letter, the importer has up to 10 working days to re-petition if EPA indicated “insufficient information” as the basis for the objection notice. If EPA issues a non-objection letter, a copy of the non-objection letter and the petition should accompany the shipment through U.S. Customs. The approved used methyl bromide should be imported within the same control period as the date stamped on the non-objection notice.

#### 3.7.1 Petition Information Requirements

Section 82.13(g)(2)-(3) describes the information requirements for petitioners in detail. There is no recommended EPA petition form. The petition may be in any format as long as it includes the following information:

- Name and quantity of the used methyl bromide, in kilograms, to be imported (including material that has been recycled or reclaimed);
- Name and address of the importer, the importer I.D. number, phone number, fax number, and the name of the contact person;
- Name and address, contact person, phone and fax numbers of all previous source facilities from which the used methyl bromide was recovered;
- A detailed description of the previous use of methyl bromide at each source facility and a best estimate of when the methyl bromide was put into the equipment including any documentation indicating such dates;
- A list of the name, make, and model of the equipment from which the methyl bromide was recovered at each source facility;
- Name, address, contact person, and phone and fax number of the exporter and/or foreign owner of the methyl bromide;
- U.S. port of entry for the import, the expected date of shipment, and the name of the vessel transporting the methyl bromide;
- Intended future use of the used methyl bromide including the name, address, contact person, and phone and fax number of the ultimate U.S. purchaser, if known;
- Name, address, contact person, and phone and fax number of the U.S. reclamation facility, where applicable;
- Name of the person who recovered the methyl bromide from equipment at the source facility.
- Name, address, contact person, and phone and fax number of all foreign reclamation facilities responsible for reclaiming the cited shipment, if any;

- An export license from the appropriate government agency in the country of export and, if recovered in another country, the export license from that country; and
- A certification of the accuracy of the information submitted in the petition.

In evaluating a petition, EPA determines whether the methyl bromide to be imported is, in fact, previously used. In order to independently verify the previous use of this class I substance, EPA requires information on a contact person in the foreign country, including telephone and fax numbers. In addition, EPA requires a detailed description of the source facility (facilities) and the specific equipment from which the methyl bromide was recovered. This information ensures U.S. compliance under the Montreal Protocol.

### **3.7.2 Recordkeeping Requirements**

Section 82.13(g)(3)(viii) describes the recordkeeping requirements for companies receiving non-objection notices. The records that should be maintained by all companies approved to import used methyl bromide are summarized below:

- A copy of the petition;
- EPA non-objection notice;
- Bill of lading for the import; and
- U.S. Customs entry documents for the import.

### **3.8 CERTIFICATION OF METHYL BROMIDE ORDER/ PURCHASE**

Prior to delivery, purchasers of methyl bromide should certify to the supplier company if the methyl bromide will be used solely for quarantine and preshipment (QPS) applications and not be resold or used in manufacturing. If the purchaser is the distributor, the distributor must submit the certification to the producer or importer, as required in §82.13(y)(1). If the purchaser is the applicator, the applicator must submit the certification to the distributor of the methyl bromide, as required in §82.13(y)(2).

Section 82.13(y) describes the regulatory requirements for certification of methyl bromide orders/purchases. Terms such as “quarantine applications” and “preshipment applications,” are defined in regulations (§82.3) or in Appendix E.

#### **3.8.1 Recordkeeping Requirements**

Recordkeeping is required for distributors and applicators of methyl bromide as well as every commodity owner, shipper or their agent requesting an applicator to use methyl bromide for QPS purposes. Records should be maintained for three years.

Section 82.13(y)(3) describes the recordkeeping requirements for distributors of methyl bromide who receive a certification from an applicator that the methyl bromide will be used solely for QPS purposes.

Section 82.13(z)(1) describes the recordkeeping requirements for applicators of methyl bromide produced or imported solely for QPS purposes.

Section 82.13(z)(2)(aa) describes the recordkeeping requirements for commodity owners, shippers or their agents that request an applicator to use methyl bromide solely for QPS applications.

#### **3.8.2 Reporting Requirements**

Section 82.13(y)(1)-(2) and §82.13(z)(2) describe the reporting requirements for distributors and applicators of methyl bromide produced or imported solely for QPS purposes. A certification report should be completed by any company purchasing methyl bromide and should subsequently be maintained as records by both the purchaser and the supplier (the form is not submitted to EPA). For the convenience of reporting companies, EPA has provided *Form 1432.22-C-MB* as a recommended certification form. The report was designed so to allow the distributor receiving the form to track the quantities of exempt and non-exempt methyl bromide. The report should include the name of the methyl bromide customer and address, and a contact name and phone number for the customer. The certification from the purchaser should also identify the total quantity of methyl bromide ordered or purchased. The reporting company representative should certify, by selecting the appropriate check box, if the methyl bromide will or will not be exclusively used for QPS applications.

Additionally, the commodity owner, shipper or their agent requesting an applicator to use methyl bromide solely for QPS purposes must provide documentation to the applicator that cites the regulatory requirement or other official requirement that justifies the use of exempted methyl bromide for QPS purposes. The documentation must certify knowledge of the requirements associated with the exemption for QPS applications by including a certification statement as provided in §82.13(z)(2)(aa). There is no EPA recommended form for this documentation.

### **3.8.3 Form Instructions – Certification of Order/Purchase of Methyl Bromide (Form 1432.22-C-MB)**

The Methyl Bromide Certification Report has one section:

Section 1 – Purchaser Identification and Methyl Bromide Use

#### ***Section 1 – Purchaser Identification and Methyl Bromide Use***

- 1.1 Date of Submission: Date the report is submitted to the supplier of the methyl bromide.
- 1.2 Quantity of Methyl Bromide Ordered/Purchased (kg): The total quantity of methyl bromide, in kilograms, that was ordered or purchased.
- 1.3 Company Information: Name of the purchaser and the business address of the contact person for the report.
- 1.4 Company Contact Identification: Name, telephone number, and fax number of the official at the purchasing company who may be contacted by the supplier to answer questions concerning the report.
- 1.5 Signature of Reporting Company Representative: Company official who is certifying if the methyl bromide being purchased was or was not solely for QPS applications and will not be resold or used for manufacturing, and attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should select the appropriate check box and should read the "certification" that the information on the form is accurate.

### **3.9 DISTRIBUTORS OF METHYL BROMIDE**

Distributors of methyl bromide are required to report to EPA. Section 82.13(y) describes the regulatory requirements for recordkeeping and quarterly reporting for distributors. Distributors should send the report to EPA within 45 days after the end of the quarter. Terms such as “quarantine applications” and “preshipment applications,” are defined in regulations (§82.3) or in Appendix E.

#### **3.9.1 Recordkeeping Requirements**

Section 82.13(y)(3) describes the recordkeeping requirements for distributors who receive certifications stating that the quantity ordered and delivered will be used solely for QPS applications. Records of certifications should be maintained for three years.

#### **3.9.2 Reporting Requirements**

As required in §82.13(y)(4), distributors should report to EPA the total quantity of methyl bromide that was ordered and delivered to purchasers certifying its use solely for QPS applications. The report should include the name of the methyl bromide distributor and address, and a contact name and phone number for the distributor. The report should also identify the supplying company from whom the methyl bromide is being purchased solely for QPS applications.

### **3.9.3 Form Instructions – Distributor of Methyl Bromide Quarterly Report (Form 1432.22-D-MB)**

The Distributor Quarterly Report has one section:

Section 1 – Distributor Information

#### ***Section 1 – Distributor Information***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Total Quantity of Methyl Bromide Delivered for Use in Certified QPS Applications (kg): Total quantity, in kilograms, that was delivered by the distributor for use in certified QPS applications.
- 1.3 Quarter and Year to Which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.4 Distributor Information: Name of the distributor and the business address of the contact person for the report.
- 1.5 Distributor Contact Identification: Name, telephone number, and fax number of the company official who may be contacted by EPA to answer questions concerning the report.
- 1.6 Supplier Identification: Name of the supplier of methyl bromide (the name of the supplying company from which the quantity specified in Section 1.2 originated). This may or may not be the company identified in Section 1.4.
- 1.7 Signature of Reporting Distributor Representative: Company official who is certifying that the total quantity of methyl bromide listed in the form was exclusively sold for use in QPS applications, and not sold or transferred to another person. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.